

A Proposed Constitution for an Independent Wales

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Contents

Preface	5
Acknowledgements.....	5
Declaration Regarding Funding.....	5
About the Authors	5
Contact Details.....	5
References	5
<i>Constitution of Wales</i>	6
Preamble	6
Sovereignty and State Accountability	6
1. Sovereignty of the People and State Accountability.....	6
The Welsh State	7
2. Name of the State	7
3. The Territory of Wales and Extended Jurisdiction	7
4. Languages of State etc.	7
5. Form of State and Government	7
6. Symbols of Wales.....	7
Welsh Citizenship.....	7
7. Citizenship of Wales.....	7
Democratic Values and Principles.....	8
8. The Rule of Law	8
9. Equality before the Law	8
10. Respect for Human Rights: European Convention on Human Rights.....	8
11. Respect for Human Rights: Other International Instruments etc.....	9
12. Social Justice	9
13. Principle of Veracity	10
Welsh Institutions and Related Provision	10
14. Head of State.....	10
15. Functions of the Office of the Arlywydd	10
16. Term of Office of Arlywydd and Timing of Arlywydd Elections	10
17. Election of Arlywydd	11
18. Arlywydd Oath or Affirmation.....	11
19. Ceasing Holding Office as Arlywydd.....	11
20. Funding of Arlywydd	11

21. Powers of Arlywydd	11
22. Deputy Head of State	11
23. Ceasing being Dirprwy Arlywydd	12
24. Dirprwy Arlywydd Oath or Affirmation	12
25. Disqualification from office as Arlywydd or Dirprwy Arlywydd	12
26. Legislature	13
27. Standing Orders	13
28. Suffrage	13
29. Acts of the Senedd	13
30. Executive	14
31. The First Minister	14
32. Choice of First Minister	14
33. Welsh Ministers	15
34. The Wales Public Service.....	15
35. Local Government.....	15
36. Legal Jurisdiction and Court System etc	16
37. Supreme Court of Wales: Supplementary	16
38. Independence of the Judiciary	16
International Relations	16
39. International Relations and Foreign Policy	16
40. International Organisations	16
41. Ratification of International Agreements	17
42. Customary International law	17
43. Incorporation of International Agreements into Welsh Law	17
Sustainable Development, Well-being, and the Environment etc.	17
44. Sustainable Development	17
45. Promotion of Individual Well-being.....	18
46. Promotion of Individual Well-being: children.....	18
47. The Environment.....	18
48. Natural Resources	18
Amendment of Constitution	18
49. Amendment of Constitution	18
Derogation due to Emergency	19
50. Derogation from Constitution in time of emergency	19

Transitional	19
51. Continuity of Law	19
Interpretation of the Constitution	19
52. Interpretation of the Constitution	19
List of references.....	20

Preface

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References

A list references is set out on page 20. This is for information purposes and is not part of the proposed constitution for an independent Wales.

Constitution of Wales

Preamble

Wales is a free and sovereign state, and the people of Wales wish to create a just and equitable society underpinned by values and principles in which societal outcomes reflect those values and principles.

Underpinning values and principles include: social justice; respect for the rule of law; protection of human rights and provision of fundamental human needs; democratic values; equality and non-discrimination; sustainable development; protection of the environment and natural resources; and non-aggression.

Although it has its own distinct language, heritage, history and culture, Wales is a pluralistic society which has incorporated, and continues to incorporate, people of diverse origins; that inclusivity enriches the whole.

Together its people are responsible for safeguarding and continuing to develop its language, heritage, history and culture in a way that reflects that pluralistic influence.

There is a wish to promote peace, well-being, and security through non-aggression among the people of Wales and elsewhere, and for future generations.

There is a resolve to work with others for the benefit of the World, its biosphere and humankind.

Wales wishes to play its part as an equal nation and people among the nations and peoples of the World.

Because of the above, Wales has adopted a constitution ('the Constitution') which is set out below and contains the governing law of Wales.

Sovereignty and State Accountability

1. Sovereignty of the People and State Accountability

- (1) In Wales sovereignty rests with the people.
- (2) This means that the people have the right to self-determination and to choose freely the form in which their state is to be constituted and how they are to be governed.
- (3) State power and authority is derived from that sovereign will and is subject to it.
- (4) All those exercising state power and authority are accountable for that exercise to the people; the sovereign will of the people is limited only by the Constitution and by obligations flowing from international agreements to which Wales is or becomes a party in accordance with the Constitution and international law.
- (5) As sovereignty rests with the people in Wales, Welsh public authorities are accountable to the people in Wales.
- (6) As well as being accountable to the people in Wales, the Welsh Government is accountable to the Senedd.
- (7) A reference to 'Welsh public authorities' in the Constitution includes the Office of the Arlywydd, the Senedd and Welsh Government.

The Welsh State

2. Name of the State

- (1) The name of the state is Cymru (in Welsh) and Wales (in English).
- (2) Each name has equal validity.

3. The Territory of Wales and Extended Jurisdiction

In accordance with international law:

- (a) the territory of Wales comprises all the land, islands, air space, internal waters and territorial sea that formed the territory of Wales immediately before independence.
- (b) Wales shall have jurisdiction beyond its territory in respect of its contiguous zone, exclusive economic zone and continental shelf.

4. Languages of State etc.

- (1) The official languages of state are Welsh and English.
- (2) Each language shall be treated on a basis of equality.
- (3) Ways in which each language shall be treated on a basis of equality may be provided for by the operation of law.
- (4) Wales is a bilingual nation and, to the extent not provided for under article 44, Welsh public authorities shall, in exercising their functions, safeguard and promote the Welsh language.
- (5) Ways in which the Welsh language may be safeguarded or promoted may be provided for by the operation of law.
- (6) A reference to 'the operation of law' in the Constitution is a reference to law made by or under the authority of the Senedd provided that such law is compatible with the Constitution.

5. Form of State and Government

- (1) Wales is an independent republic in which each person has equal worth.
- (2) The form of government in Wales is representative democracy.

6. Symbols of Wales

- (1) The national flag of Wales is *Y Ddraig Goch* or (as it is known in English) *The Red Dragon*.
- (2) The national anthem of Wales is *Hen Wlad Fy Nhadau* or (as it is known in English) *Land of My Fathers*.
- (3) The symbols of Wales include the daffodil, the leek and the Eisteddfod.
- (4) Provision may be made by the operation of law concerning the presentation and use of the symbols of Wales; this includes (but is not limited to) provision relating to the visual form and dimensions of a symbol.

Welsh Citizenship

7. Citizenship of Wales

- (1) The following people automatically hold Welsh citizenship, namely:
 - (a) all those who, immediately before independence, held United Kingdom citizenship and at that time:
 - (i) are habitually resident in Wales, or

- (ii) are not habitually resident in Wales but were born in Wales,
 - (b) any person born in Wales on or after independence if either of the person's parents:
 - (i) at the time of the person's birth holds Welsh citizenship, or
 - (ii) has indefinite leave to remain in Wales,
 - (c) any person born outside Wales on or after independence if either of the person's parents, at the time of the person's birth:
 - (i) holds Welsh citizenship, and
 - (ii) the person's birth is registered in Wales.
- (2) The following people are entitled to claim Welsh citizenship according to prescribed procedures, namely:
- (a) any person born in Wales on or after independence if either of the person's parents meets prescribed requirements,
 - (b) any person with:
 - (i) a prescribed connection by descent with a person holding Welsh citizenship, or
 - (ii) any other prescribed connection with Wales (such as, for example, a connection with Wales through a person being a member of a community outside of Wales but which has a long established and recognised connection to Wales).
- (3) A person holding Welsh citizenship may also hold other citizenship at the same time.
- (4) Further provision about entitlement to Welsh citizenship shall be made by the operation of law; and 'prescribed' means prescribed by the operation of law.

Democratic Values and Principles

8. The Rule of Law

- (1) The principle of the rule of law applies in Wales.
- (2) As well as other things, included within that principle is a requirement for the rule of law to provide adequate protection of human rights.
- (3) Every person is subject to that principle and shall act in accordance with it.

9. Equality before the Law

- (1) Every person in Wales is equal before the law and has equal entitlement to its protection and benefit.
- (2) Every person is entitled to be treated with respect and dignity regardless of status or personal characteristics and without unfair discrimination on the basis of status or personal characteristics.
- (3) Welsh public authorities shall, in exercising their functions, seek to promote and secure equality of opportunity for every person in Wales regardless of status or personal characteristics.

10. Respect for Human Rights: European Convention on Human Rights

- (1) In the Constitution, 'the Convention' means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4 November 1950, together with:
 - (a) the First Protocol to the Convention, agreed at Paris on 20 March 1952 ('the First Protocol'), and
 - (b) the Thirteenth Protocol to the Convention, agreed at Vilnius on 3 May 2001 ('the Thirteenth Protocol'),

- (2) Every person has the rights and fundamental freedoms set out in the Convention as described in paragraph (5).
- (3) A Senedd Act or other Welsh law are of no effect so far as such laws are incompatible with those rights and fundamental freedoms.
- (4) Welsh public authorities shall, in exercising their functions, respect and comply with those rights and fundamental freedoms.
- (5) The references in paragraphs (2) to (4) to the rights and fundamental freedoms set out in the Convention are to the rights and fundamental freedoms set out in:
 - (a) Articles 2 to 12 and 14 of the Convention,
 - (b) Articles 1 to 3 of the First Protocol, and
 - (c) Article 1 of the Thirteenth Protocol,as read with Articles 16 to 18 of the Convention.

11. Respect for Human Rights: Other International Instruments etc

- (1) In addition to the duty contained in article 10(4) with respect to the Convention, Welsh public authorities shall, in exercising their functions, have due regard to the international instruments or statements relating to human rights set out in paragraph (2) and such other such instruments or statements relating to human rights as may be provided for by the operation of law.
- (2) The international instruments or statements relating to human rights referred to in paragraph (1) are:
 - (a) Subject to paragraphs (3) and (4), Part 1 of the United Nations Convention on the Rights of the Child adopted by General Assembly resolution 44/25 of 20 November 1989 ('the Child Convention') together with:
 - (i) articles 1 to 7 of the Optional Protocol to the Child Convention on the involvement of children in armed conflict, except article 6(2), and
 - (ii) articles 1 to 10 of the Optional Protocol to the Child Convention on the sale of children, child prostitution and child pornography.
 - (b) the United Nations Principles for Older Persons adopted by General Assembly resolution 46/91 on 16 December 1991.
 - (c) the United Nations Convention on the Rights of Persons with Disabilities adopted by General Assembly resolution 61/106 on 13 December 2006.
- (3) The Child Convention shall be interpreted as being applicable only following a live birth.
- (4) References in the Child Convention to 'parents' shall be interpreted to mean only those persons who, as a matter of national law, are treated as parents. This includes cases where the law regards a child as having only one parent, for example where a child has been adopted by one person only and in certain cases where a child is conceived other than as a result of sexual intercourse by the woman who gives birth to it and she is treated as the only parent.

12. Social Justice

- (1) Welsh public authorities shall, in exercising their functions, pursue social justice for the people of Wales.
- (2) 'Social justice' refers to a situation where there is a fair distribution of, and access to, societal goods such as opportunity, services, liberty, influence, privilege, living accommodation, wealth and other material possessions.

- (3) In particular a fair distribution of, and access to, societal goods refers to a situation in which fundamental human needs are met and which enables people to flourish as autonomous individuals.
- (4) Fundamental human needs include needs relating to food, living accommodation, physical and mental health, education, economic opportunity, and social advancement.

13. Principle of Veracity

- (1) Public affairs shall be conducted in accordance with the principle of veracity.
- (2) The principle of veracity means that those involved in the conduct of public affairs should be able to justify assertions of facts, or expression of opinion premised on a factual basis (whether that basis is express or implied).
- (3) Freedom of expression carries with it duties and responsibilities, and nothing in this article shall be taken to interfere with the right to freedom of expression as contained in article 10 of the Convention.

Welsh Institutions and Related Provision

14. Head of State

- (1) There shall be a head of state known as yr Arlywydd or the President (referred to in the Constitution as 'the Arlywydd').
- (2) The Arlywydd shall be the holder of an office known as the Office of the Arlywydd.
- (3) The Office of the Arlywydd shall be a corporate body.
- (4) In the exercise of Arlywydd functions, the Arlywydd shall:
 - (a) act independently and be politically neutral,
 - (b) uphold and promote the Constitution,
 - (c) seek to exercise those functions in a dignified way, and
 - (d) seek to command respect from others in the office of the Arlywydd and for the way its functions are exercised.

15. Functions of the Office of the Arlywydd

- (1) A reference in the Constitution to the exercise of Arlywydd functions is a reference to the exercise of the functions of the Office of the Arlywydd.
- (2) The functions of the Office of the Arlywydd are:
 - (a) Arlywydd functions as set out in the Constitution, and
 - (b) such other functions that may be conferred by the operation of law and with the consent of the Arlywydd.
- (3) Where a function would be conferred by a proposed Senedd Act, receipt of Arlywydd Approval in respect of the proposed Act under article 29 shall be taken to provide consent for the purposes of paragraph (2)(b).

16. Term of Office of Arlywydd and Timing of Arlywydd Elections

- (1) Subject to paragraph (4), the term of office of the Arlywydd begins on 1 July next after election as the Arlywydd and ends at 23.59 on 30 June four years later.
- (2) Subject to paragraph (3), the election of the Arlywydd shall take place in May of the year in which the term of office of the Arlywydd ends.
- (3) If the Arlywydd ceases to hold office before the end of the Arlywydd's term of office, the election of the next Arlywydd shall take place as soon as is reasonably practicable.

- (4) The term of office of the Arlywydd elected under paragraph (3) begins 28 days after the day of election as the Arlywedd and ends at 23.59 on 30 June of the fourth year from that election.

17. Election of Arlywydd

- (1) The Arlywydd shall be elected by those people who are entitled to vote in Senedd elections.
- (2) A candidate for the Office of the Arlywydd shall be proposed by at least 1,500 people who are entitled to vote in Senedd elections.
- (3) If there is more than one candidate, the candidate who receives the most votes is elected as the Arlywydd.
- (4) If there is only one candidate, that person is elected as the Arlywydd without a vote.
- (5) Further provision concerning the candidature and election of the Arlywydd shall be made by the operation of law.

18. Arlywydd Oath or Affirmation

On taking office, the Arlywydd shall take an oath or make an affirmation to uphold the Constitution.

19. Ceasing Holding Office as Arlywydd

A person shall cease to hold office as the Arlywydd if:

- (a) that person's term of office ends,
- (b) that person dies,
- (c) that person resigns,
- (d) that person becomes disqualified from holding office under article 25,
- (e) that person becomes incapable of exercising Arlywydd functions by reason of physical or mental impairment (as certified by two medical practitioners with appropriate expertise), or
- (f) there is a resolution of the Senedd that the Arlywydd shall cease to hold office in which at least 65 per cent of Senedd members have voted for that outcome.

20. Funding of Arlywydd

The Senedd shall ensure that it provides sufficient funding to enable the Arlywydd to exercise Arlywydd functions effectively; and in determining that amount, the Senedd shall have regard, in particular, to what the Arlywydd considers to be sufficient funding.

21. Powers of Arlywydd

Subject to the Constitution, the Arlywydd in exercising Arlywydd functions shall have powers to do anything which is calculated to facilitate, or be conducive or incidental to, the discharge of any of the Arlywydd functions and includes (but is not limited to):

- (a) acquisition or disposal of property and rights,
- (b) entering into contracts for good, services and digital content,
- (c) entering into contracts of employment, and
- (d) taking or defending legal proceedings.

22. Deputy Head of State

- (1) The Arlywydd shall appoint a Dirprwy Arlywydd or Deputy President (referred to in the Constitution as 'the Dirprwy Arlywydd') on taking office as the Arlywydd, and at any time after that if a person ceases to be the Dirprwy Arlywydd.

- (2) In the event that no person is or can be appointed as the Dirprwy Arlywydd under paragraph (1), the Senedd shall appoint the Dirprwy Arlywydd; but where the Arlywydd is able to exercise Arlywydd functions, the Senedd shall only make such an appointment after having given the Arlywydd a reasonable opportunity to appoint the Dirprwy Arlywydd.
- (3) The Dirprwy Arlywydd shall exercise Arlywydd functions during any vacancy in the Office of the Arlywydd or where the Arlywydd is unable to exercise those functions; and during such periods the Dirprwy Arlywydd shall be treated as the holder of the Office of the Arlywydd.

23. Ceasing being Dirprwy Arlywydd

A person shall cease to be the Dirprwy Arlywydd if:

- (a) a person becomes holder of the Office of the Arlywydd under article 16(1) or (4),
- (b) that person dies,
- (c) that person resigns,
- (d) that person becomes disqualified from being the Dirprwy Arlywydd under article 25,
- (e) that person, whether or not at the time being required to exercise Arlywydd functions, becomes incapable of exercising those functions by reason of physical or mental impairment (as certified by two medical practitioners with appropriate expertise), or
- (f) there is a resolution of the Senedd that the Dirprwy Arlywydd shall cease to hold office in which at least 65 per cent of Senedd members have voted for that outcome.

24. Dirprwy Arlywydd Oath or Affirmation

On being appointed, the Dirprwy Arlywydd shall take an oath or make an affirmation to uphold the Constitution.

25. Disqualification from office as Arlywydd or Dirprwy Arlywydd

- (1) A person is disqualified from:
 - (a) standing for election to, or holding, the Office of the Arlywydd, or
 - (b) being appointed as, or continuing to be, the Dirprwy Arlywydd,if that person falls within a category of person mentioned in paragraph (2) or otherwise falls within a category of person as may be provided for by the operation of law.
- (2) A person is disqualified under paragraph (1) if that person:
 - (a) does not hold Welsh citizenship,
 - (b) is a member of the Senedd,
 - (c) is a member of the judiciary in Wales,
 - (d) is a member of the Wales Public Service.
- (3) Examples of the type of provision that may be made by the operation of law disqualifying a person under paragraph (1) include (but are not limited to) provision relating to:
 - (a) substantiated serious wrongdoing by any person,
 - (b) bankruptcy of any person or corporate liquidation related to any person,
 - (c) conduct by any person significantly in conflict with the values and principles of the Constitution,

- (d) membership of the judiciary or holding political office outside of Wales by any person.

26. Legislature

- (1) Subject to the Constitution, legislative power to make and change law shall be vested in Senedd Cymru or the Welsh Parliament (referred to in the Constitution as 'the Senedd').
- (2) The Senedd shall comprise no fewer than 100 members.
- (3) Senedd members shall be elected and returned as Senedd members in accordance with democratic legitimacy and recognised democratic values.
- (4) The term of office of a Senedd member shall be for five years.
- (5) Wales shall be divided into electoral areas and Senedd members returned for the whole of Wales from elections in those areas.
- (6) There may be more than one type of division of Wales into electoral areas to reflect different methods of election of Senedd members (such as between the return of one member for an area under one method and more than one member for a larger area under a second method).
- (7) Unless provided for by the Constitution, arrangements for matters concerning the holding of polls at Senedd elections and return of Senedd members shall be provided for by the operation of law.

27. Standing Orders

- (1) The Senedd shall regulate its proceedings through standing orders.
- (2) The standing orders shall reflect the values and principles of the Constitution.
- (3) The standing orders shall include provision;
 - (a) for preserving order in Senedd proceedings,
 - (b) requiring Senedd proceedings to be held in public, and
 - (c) for reporting Senedd proceedings.

28. Suffrage

- (1) Subject to such exceptions as may be provided for by the operation of law, a person aged 16 or over who has either:
 - (a) Welsh citizenship, or
 - (b) Welsh resident status,shall be entitled to vote in a Senedd election.
- (2) The requirements to be met for a person to have Welsh resident status shall be prescribed by the operation of law.

29. Acts of the Senedd

- (1) The Senedd may make laws known as Acts of Senedd Cymru or Deddfau Senedd Cymru (referred to in the Constitution as 'Senedd Acts').
- (2) The Senedd shall devise its own procedure by which a proposal for a Senedd Act becomes an Act and such procedure shall be incorporated in the standing orders of the Senedd.
- (3) A Senedd Act is not law in so far as any provision of it is in breach of article 10(3) or is otherwise incompatible with the Constitution.
- (4) A proposed Senedd Act becomes an Act when it has been passed by the Senedd and has received Arlywydd approval.

- (5) Arlywydd approval occurs when the Arlywydd confirms that the proposed Act can become a Senedd Act.
- (6) A proposed Act submitted for Arlywydd approval shall receive approval unless the Arlywydd considers:
 - (a) that there are material defects in Senedd proceedings relating to the proposed Act (and 'material' refers to defects which cannot reasonably be regarded as minor or inconsequential), or
 - (b) that the proposed Act (whether in whole or part) is incompatible with the Constitution.
- (7) Where a proposed Senedd Act does not receive Arlywydd approval under paragraph (6)(b), a question shall be referred to the Supreme Court of Wales for a decision concerning whether the proposed Act is incompatible with the Constitution.

30. Executive

- (1) Executive power to administer and govern shall be vested in the Welsh Government, or Llywodraeth Cymru, subject to the exercise of that power being compatible with the Constitution.
- (2) The members of the Welsh Government shall be:
 - (a) the First Minister, or Prif Weinidog, appointed under articles 31 and 32,
 - (b) Welsh Ministers, or Gweinidogion Cymru, appointed under article 33.

31. The First Minister

- (1) The First Minister shall be appointed by the Arlywydd after nomination in accordance with article 32.
- (2) The First Minister may at any time tender her or his resignation to the Arlywydd and shall cease to hold office as First Minister when it is accepted.
- (3) A person shall cease to hold office as the First Minister if another person is appointed to that office.
- (4) The functions of the First Minister are exercisable by a person designated by the Arlywydd if:
 - (a) the office of the First Minister is vacant,
 - (b) the First Minister is for any reason unable to act, or
 - (c) the First Minister has ceased to be a Senedd member otherwise than by reason of a dissolution.
- (5) A person may not be designated to exercise the functions of the First Minister unless the person is:
 - (a) a Senedd member, or
 - (b) if the Senedd has been dissolved, a person who ceased to be a Senedd member because of the dissolution.
- (6) A person may be designated to exercise the functions of the First Minister only on the recommendation of Welsh Ministers (unless there is no-one holding office as a Welsh Minister).
- (7) If a person is designated to exercise the functions of the First Minister, the designation shall continue to have effect even if the Senedd is dissolved.

32. Choice of First Minister

- (1) If one of the following events occurs, the Senedd shall, before the end of the relevant period, nominate a Senedd member for appointment as First Minister.
- (2) The events are:

- (a) the holding of a poll at a Senedd general election,
 - (b) the Senedd resolving that the Welsh Government no longer enjoys the confidence of the Senedd,
 - (c) the First Minister tendering her or his resignation to the Arlywydd,
 - (d) the First Minister dying or becoming permanently unable to act and to tender her or his resignation, and
 - (e) the First Minister ceasing to be a Senedd member otherwise than by reason of a dissolution.
- (3) Subject to paragraphs (4) and (5), the relevant period shall be the period of 28 days beginning with the day on which the event occurs.
- (4) If another of those events occurs within that period, the relevant period shall be (subject to paragraph (5)) extended to end with the period of 28 days beginning with the day on which that other event occurs.
- (5) The relevant period ends if the Senedd passes a resolution that the Senedd should be dissolved or when the Arlywydd appoints a person as the First Minister.

33. Welsh Ministers

- (1) The First Minister may appoint Welsh Ministers from among Senedd members.
- (2) A Welsh Minister may be removed from office by the First Minister.
- (3) A Welsh Minister may at any time resign (and a Welsh Minister who resigns shall cease to hold office immediately).
- (4) If the Senedd resolves that a Welsh Minister no longer enjoys the confidence of the Senedd, that person shall cease to hold office immediately.
- (5) A Welsh Minister shall cease to hold office on ceasing to be a Senedd member otherwise than by reason of a dissolution.

34. The Wales Public Service

- (1) There shall be the Wales Public Service, or Gwasanaeth Cyhoeddus Cymru, whose duty it is to provide services to the state (including the Office of the Arlywydd, local government and the judiciary).
- (2) All members of the Wales Public Service shall act with integrity, honesty, objectivity and impartiality.

35. Local Government

- (1) The fundamental role of local government of Wales is acknowledged.
- (2) That role includes (but is not limited to) pursuing social justice for the people of Wales including, especially, helping meet fundamental human needs.
- (3) Local government shall be administered by councils which have autonomy over the exercise of their functions.
- (4) Each council shall represent and promote the interests of the people living within its area.
- (5) The members of each council shall be elected directly under provision made by the operation of law by people living within its area at elections to be held at intervals of not more than five years.
- (6) The Welsh Government shall observe the principles of subsidiarity and proportionality in its relations with local government.

36. Legal Jurisdiction and Court System etc

- (1) Wales shall comprise a single legal jurisdiction and have its own court and tribunal system.
- (2) There shall be the Supreme Court of Wales, or Goruchaf Lys Cymru, which shall be the final court of appeal on all legal questions (including deciding questions relating to the Constitution).
- (3) Accordingly, subject to paragraph (4), no appeal shall lie against a decision of the Supreme Court of Wales to any other court or tribunal; and a decision of the Supreme Court of Wales shall not be subject to review by any other court or tribunal.
- (4) This article does not affect the jurisdiction of the European Court of Human Rights or any other court or tribunal established under an international agreement to which Wales is a party.
- (5) Appropriate to the needs of Wales, a court and tribunal system under the jurisdiction of the Supreme Court of Wales shall be established by the operation of law.

37. Supreme Court of Wales: Supplementary

- (1) The Supreme Court of Wales shall comprise at least seven full-time equivalent judges who are representative of the people of Wales.
- (2) The full-time equivalent number of judges shall be calculated by taking the number of full-time judges and adding, for each judge who is not a full-time judge, such fraction as is reasonable.
- (3) The Supreme Court of Wales judges shall choose one person from among them to be the lead (or chief) judge.

38. Independence of the Judiciary

- (1) In exercising their judicial functions all members of the judiciary shall be independent and free from external influence.
- (2) The process by which members of the judiciary are appointed shall also be free from external influence.

International Relations

39. International Relations and Foreign Policy

In conducting its international relations and in determining its foreign policy, Wales shall:

- (a) observe, and promote respect for, international law,
- (b) promote Wales's values, its unique culture, and best interests,
- (c) in accordance with the principle of non-aggression, promote international peace, justice and security, and
- (d) promote friendly relations among states, nations and peoples.

40. International Organisations

The Welsh Government may take whatever steps it considers appropriate to secure that Wales maintains or obtains membership of any international organisation provided such membership is compatible with the values and principles of the Constitution.

41. Ratification of International Agreements

- (1) Subject to paragraphs (3) and (4), international agreements to which Wales becomes a signatory shall not be ratified on behalf of Wales, or otherwise bind Wales, unless:
 - (a) the Welsh Government has:
 - (i) delivered a copy of the agreement to the Office of the Arlywydd, and
 - (ii) laid a copy of the agreement before the Senedd, and
 - (b) the Arlywydd and Senedd have approved the agreement.
- (2) The Senedd shall approve an agreement in accordance with such procedure as the Senedd may determine.
- (3) Paragraph (1) does not apply to an international agreement of a technical or administrative nature, or an agreement which does not require ratification, provided the Welsh Government within a reasonable period:
 - (i) delivers a copy of the agreement to the Office of the Arlywydd, and
 - (ii) lays a copy of the agreement before the Senedd.
- (4) Paragraph (1) does not apply to any international agreement ratified in relation to Wales before independence and by which Wales, as an independent state, is bound on or after independence in accordance with international law.

42. Customary International law

Customary international law has direct effect in Welsh law unless it is incompatible with the Constitution or provision made by the operation of law.

43. Incorporation of International Agreements into Welsh Law

- (1) International agreements to which Wales is a party do not by themselves have direct effect in Welsh law.
- (2) Such agreements take direct effect in Welsh law only to the extent provided by the operation of law.

Sustainable Development, Well-being, and the Environment etc.

44. Sustainable Development

- (1) Welsh public authorities shall promote sustainable development.
- (2) 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action:
 - (a) in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs, and
 - (b) aimed at achieving the well-being goals described in paragraph (3).
- (3) There shall be well-being goals that promote sustainable development and which relate to:
 - (a) the prosperity of Wales,
 - (b) the resilience of Wales,
 - (c) the health of people in Wales,
 - (d) the achievement of equality for people in Wales,
 - (e) the sustainability of communities in Wales,
 - (f) the Welsh language, and
 - (g) contributing to global well-being.
- (4) Further provision concerning the detail of the well-being goals shall be provided for by the operation of law.

45. Promotion of Individual Well-being

- (1) To the extent not provided for under article 44, Welsh public authorities shall, in exercising their functions, seek to safeguard the promote the well-being of people.
- (2) 'Well-being', in relation to a person, means well-being in relation to any of the following:
 - (a) physical and mental health and emotional well-being,
 - (b) protection from abuse and neglect,
 - (c) education, training and recreation,
 - (d) domestic, family and personal relationships,
 - (e) contribution made to society,
 - (f) securing rights and entitlements,
 - (g) social and economic well-being, and
 - (h) suitability of living accommodation.
- (3) In relation to a person aged 18 or over, 'well-being' also includes:
 - (a) control over day-to-day life, and
 - (b) participation in work.

46. Promotion of Individual Well-being: children

In addition to the matters described in article 45(2), in relation to a person aged under 18, 'well-being' includes:

- (a) physical, intellectual, emotional, social and behavioural development, and
- (b) that person's welfare.

47. The Environment

- (1) Every person is entitled to live in a healthy, attractive and sustainable environment.
- (2) Accordingly, and in recognition of the importance of the environment to the people of Wales, to the extent not provided for under article 44, Welsh public authorities shall, in exercising their functions, seek to protect and enhance the quality of the environment.
- (3) In particular, they shall seek to promote:
 - (a) Reduction in, and prevention of, contamination of land, air, sea and other waters.
 - (b) the conservation of biodiversity,
 - (c) measures to tackle climate change.

48. Natural Resources

To the extent not provided for under article 44, the natural resources of Wales shall be used in a manner which is:

- (a) best calculated to be sustainable, and
- (b) of economic, social, environmental or other benefit to the people of Wales both now and in the future.

Amendment of Constitution

49. Amendment of Constitution

- (1) The Constitution may be amended in accordance with paragraph (2) or paragraphs (3) and (4).
- (2) Unless it is a proposed technical amendment, a proposed amendment to the Constitution shall take effect if:

- (a) the proposed amendment is approved by a resolution of the Senedd in which at least 65 per cent of Senedd members have voted for that outcome, and
 - (b) the proposed amendment is then approved in a referendum of those people who are entitled to vote in Senedd elections.
- (3) A proposed technical amendment is a proposed amendment which, if taking effect, is certified by the Arlywydd as:
- (a) contributing to the efficiency and effectiveness in how the Constitution functions, and
 - (b) is not to any material extent in its substance concerned with the values and principles of the Constitution.
- (4) A proposed technical amendment to the Constitution shall take effect if it is approved by a vote of the Senedd.
- (5) Further provision concerning the holding of referenda under paragraph (2)(b) shall be made by the operation of law.

Derogation due to Emergency

50. Derogation from Constitution in time of emergency

- (1) Subject to paragraph (2), in time of war or other public emergency threatening the life of the nation, the Arlywydd may authorise the Welsh Government to take measures derogating from obligations under the Constitution to the extent strictly required by the exigencies of the situation.
- (2) Such measures shall be in place for no longer than is necessary and be compatible with international law.

Transitional

51. Continuity of Law

Subject to the Constitution, law in effect in Wales immediately before independence shall continue to have effect on and after independence until repealed or modified by the operation of law.

Interpretation of the Constitution

52. Interpretation of the Constitution

- (1) The text of the Constitution shall comprise each of its Welsh and English versions.
- (2) That bilingual text shall be treated as a single document in which each language is treated on a basis of equality.
- (3) In attempting to reconcile any incompatibility between the Welsh and English versions, the Constitution shall be interpreted in such a way that is calculated to give best effect to its values and principles.
- (4) In interpreting the Constitution, any reasonable interpretation that is compatible with international law and the values and principles of the Constitution shall be preferred over any alternative interpretation.

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